

APPEAL, CLOSED

U.S. District Court
Alabama Middle District (Montgomery)
CIVIL DOCKET FOR CASE #: 2:06-cv-00278-MEF-CSC
Internal Use Only

Butler v. Alabama Department of Transportation et al
Assigned to: Hon. Chief Judge Mark E. Fuller
Referred to: Honorable Charles S. Coody
Case in other court: USCA, 07-13358-G
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 03/28/2006
Date Terminated: 06/15/2007
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Alverene D. Butler**

represented by **Jay Lewis**
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V.

Defendant**Alabama Department of
Transportation**

represented by **Jim R. Ippolito, Jr.**
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Defendant

Mark T. Waits
*Dist. Engr., in his individual and
official capacity*

represented by **Jim R. Ippolito, Jr.**
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Stacey Stith Houston

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ATTORNEY TO BE NOTICED

Defendant

Patrick T. Jackson

Supervisor, in his official and individual capacity

represented by **Jim R. Ippolito, Jr.**

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Defendant

Joe McInnes

Director, in his official capacity

represented by **Jim R. Ippolito, Jr.**

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BEGIN VOL. 1.

Date Filed	#	Docket Text
03/28/2006	<u>1</u>	COMPLAINT against all defendants , filed by Alverene D. Butler.(vma,) (Entered: 03/29/2006)
03/28/2006	<u>2</u>	MOTION to Proceed in forma pauperis (w/affidavit attached) by Alverene D. Butler. (vma,) (Entered: 03/29/2006)
04/03/2006	<u>3</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis . Signed by Judge Charles S. Coody on 4/3/06. (vma,) (Entered: 04/03/2006)
04/04/2006	<u>4</u>	Summons Issued as to Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes; summons and complaint mailed by cmrrr to named defendants. (vma,) (Entered: 04/04/2006)
04/06/2006	<u>5</u>	VACATED PER ORDER OF 5/25/06 - doc. <u>12</u> ***ORDER REFERRING CASE to Magistrate Judge Charles S. Coody for action or recommendation on all pretrial matters. Signed by Judge Mark E. Fuller on 4/6/06. (vma,) Modified on 5/25/2006 (vma,). (Entered: 04/06/2006)
04/07/2006	<u>6</u>	Return Receipt Card showing service of summons and complaint signed by Darnell Mathews for Alabama Department of Transportation served on 4/6/2006, answer due 4/26/2006; Mark T. Waits served on 4/6/2006, answer due 4/26/2006; Patrick T. Jackson served on 4/6/2006, answer due 4/26/2006. (vma,) (Entered: 04/11/2006)
04/07/2006	<u>7</u>	Return Receipt Card showing service of summons and complaint signed by Darnell Mathews for Joe McInnes served on 4/6/2006, answer due 4/26/2006. (vma,) (Entered: 04/11/2006)
04/25/2006	<u>8</u>	MOTION to Dismiss by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 04/25/2006)
04/25/2006		*** Attorney Robert Mitchell Alton, III for Alabama Department of Transportation, Jim R. Ippolito, Jr for Alabama Department of Transportation, Robert Mitchell Alton, III for Patrick T. Jackson, Jim R. Ippolito, Jr for Patrick T. Jackson, Robert Mitchell Alton, III for Joe McInnes, Jim R. Ippolito, Jr for Joe McInnes, Robert Mitchell Alton, III for Mark T. Waits, Jim R. Ippolito, Jr for Mark T. Waits added - per doc. <u>8</u> . (No PDF attached to this docket entry)(vma,) (Entered: 04/25/2006)
04/27/2006	<u>9</u>	ORDER re <u>8</u> MOTION to Dismiss filed by Alabama Department of Transportation,, Joe McInnes,, Mark T. Waits,, Patrick T. Jackson; Setting Oral Argument for 5/26/2006 10:00 AM in Courtroom 4B before Honorable Charles S. Coody. Setting Status and Scheduling Conference for 5/26/2006 10:00 AM in Courtroom 4B before Honorable Charles S. Coody. Signed by Judge Charles S. Coody on 4/27/06. (furn: yg hc ws)(vma,) (Entered: 04/27/2006)

CONT. VOL. 1.

05/24/2006	<u>10</u>	NOTICE of Appearance by Jay Lewis on behalf of Alverene D. Butler (Lewis, Jay) (Entered: 05/24/2006)
05/24/2006		***Attorney Jay Lewis for Alverene D. Butler added - per doc. <u>10</u> . (No PDF attached)(vma,) (Entered: 05/25/2006)
05/24/2006		(Court only) ***Clear MAG+ Flag (vma,) (Entered: 06/05/2006)
05/25/2006	<u>11</u>	ORDER it is Ordered that the status and scheduling conference and oral argument on the motion to dismiss set for 5/26/06, be and is hereby cancelled. Signed by Judge Charles S. Coody on 5/25/06. (vma,) (Entered: 05/25/2006)
05/25/2006	<u>12</u>	ORDER it is hereby Ordered that this court's order dated 4/6/06 <u>5</u> referring this case to the Mag Judge is vacated. Signed by Judge Mark E. Fuller on 5/25/06. (vma,) (Entered: 05/25/2006)
05/25/2006	<u>13</u>	ORDER re <u>8</u> MOTION to Dismiss filed by Alabama Department of Transportation,, Joe McInnes,, Mark T. Waits,, Patrick T. Jackson, Response to Motion due by 6/8/2006. Reply Brief due by 6/15/2006. Signed by Judge Mark E. Fuller on 5/25/06. (vma,) (Entered: 05/25/2006)
06/08/2006	<u>14</u>	First MOTION to Amend/Correct <u>1</u> Complaint by Alverene D. Butler. (Attachments: # <u>1</u> First Amended Complaint)(Lewis, Jay) (Entered: 06/08/2006)
06/08/2006	<u>15</u>	RESPONSE in Opposition re <u>8</u> MOTION to Dismiss filed by Alverene D. Butler. (Lewis, Jay) (Entered: 06/08/2006)
06/19/2006	<u>16</u>	ORDER granting <u>14</u> Motion to Amend Complaint; The plaintiff shall have until 6/23/06 to file an amended complaint; Denying as moot <u>8</u> Motion to Dismiss . Signed by Judge Mark E. Fuller on 6/19/06. (vma,) (Entered: 06/19/2006)
06/19/2006	<u>17</u>	AMENDED COMPLAINT -- <i>First</i> against all defendants, filed by Alverene D. Butler.(Lewis, Jay) (Entered: 06/19/2006)
07/14/2006	<u>18</u>	<i>Defendants'</i> ANSWER to Amended Complaint by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes.(Lyles, Harry) (Entered: 07/14/2006)
07/18/2006	<u>19</u>	ORDER that the Rule 26(f) report containing the discovery plan shall be filed as soon as practicable but not later than 8/8/06; Rule 26 Meeting Report due by 8/8/2006. Signed by Judge Mark E. Fuller on 7/18/06. (vma,) (Entered: 07/18/2006)
08/03/2006	<u>20</u>	REPORT of Rule 26(f) Planning Meeting. (Lewis, Jay) (Entered: 08/03/2006)
08/04/2006	<u>21</u>	SCHEDULING ORDER: Final Pretrial Conference set for 4/26/2007 before Hon. Chief Judge Mark E. Fuller. Jury Trial set for 6/4/2007 before Hon. Chief Judge Mark E. Fuller. Amended Pleadings due by 10/18/2006. Discovery due by 4/12/2007. Motions due by 1/26/2007. Mediation Notice

CONT. VOL. 1.

		due by 2/21/2007. Signed by Judge Mark E. Fuller on 8/4/06. (furn: yg hc kg)(vma,) (Entered: 08/04/2006)
11/01/2006	<u>22</u>	ORDER Resetting Final Pretrial Conference from 4/26/07 to 4/19/2007 before Hon. Chief Judge Mark E. Fuller. Signed by Judge Mark E. Fuller on 11/1/06. (furn: yg hc kg)(vma,) (Entered: 11/01/2006)
01/22/2007	<u>23</u>	MOTION for Extension of Deadline Dispositive Motion by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 01/22/2007)
01/23/2007	<u>24</u>	ORDER granting <u>23</u> MOTION for Extension of Deadline Dispositive Motion filed by Alabama Department of Transportation,, Joe McInnes,, Mark T. Waits,, Patrick T. Jackson. Motions due by 1/29/2007. Signed by Judge Mark E. Fuller on 1/23/07. (vma,) (Entered: 01/23/2007)
01/29/2007	<u>25</u>	MOTION for Summary Judgment by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 01/29/2007)
01/29/2007	<u>26</u>	BRIEF/MEMORANDUM in Support re <u>25</u> MOTION for Summary Judgment filed by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 01/29/2007)
01/29/2007	<u>27</u>	Evidentiary Submission re <u>26</u> BRIEF/MEMORANDUM in Support, <u>25</u> MOTION for Summary Judgment filed by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N# <u>15</u> Exhibit O# <u>16</u> Exhibit P# <u>17</u> Exhibit Q# <u>18</u> Exhibit R# <u>19</u> Exhibit S# <u>20</u> Exhibit T# <u>21</u> Exhibit U# <u>22</u> Exhibit V# <u>23</u> Exhibit W# <u>24</u> Exhibit X# <u>25</u> Exhibit Y# <u>26</u> Exhibit Z# <u>27</u> Exhibit AA# <u>28</u> Exhibit BB# <u>29</u> Exhibit CC# <u>30</u> Exhibit DD)(Lyles, Harry) (Entered: 01/29/2007)
01/31/2007	<u>28</u>	ORDER re <u>25</u> MOTION for Summary Judgment filed by Alabama Department of Transportation,, Joe McInnes,, Mark T. Waits,, Patrick T. Jackson, Motion Submission Deadline set for 2/21/2007; Response to Motion due by 2/14/2007. Reply Brief due by 2/21/2007. Signed by Judge Mark E. Fuller on 1/31/07. (vma,) (Entered: 01/31/2007)
02/14/2007	<u>29</u>	RESPONSE in Opposition re <u>25</u> MOTION for Summary Judgment filed by Alverene D. Butler. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit)(Lewis, Jay) (Entered: 02/14/2007)
02/15/2007	<u>30</u>	MOTION for Extension of Time to File Response/Reply as to <u>29</u> Response in Opposition to Motion by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Alton, Robert) (Entered: 02/15/2007)

EXHIBIT Maintained
in SEPARATE
BINDER w/ROA

CONT. VOL. 1. 02/15/2007	<u>31</u> ORDER granting <u>30</u> MOTION for Extension of Time to File Response/Reply as to <u>29</u> Response in Opposition to Motion Replies due by 3/5/2007. Signed by Judge Mark E. Fuller on 2/15/07. (vma,) (Entered: 02/15/2007)
02/22/2007	<u>32</u> Notice of Mediation and Settlement Conference by Alverene D. Butler (Lewis, Jay) (Entered: 02/22/2007)
03/06/2007	<u>33</u> REPLY BRIEF re <u>27</u> Evidentiary Submission,,, <u>25</u> MOTION for Summary Judgment, <u>29</u> Response in Opposition to Motion, <u>26</u> BRIEF/MEMORANDUM in Support filed by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 03/06/2007)
03/06/2007	<u>34</u> Evidentiary Submission re <u>27</u> Evidentiary Submission,,, <u>25</u> MOTION for Summary Judgment, <u>29</u> Response in Opposition to Motion, <u>33</u> Reply Brief,, <u>26</u> BRIEF/MEMORANDUM in Support filed by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Attachments: # <u>1</u> Exhibit EE-Second Affidavit of Steve Dukes# <u>2</u> Exhibit FF-Second Affidavit of Mark T. Waits)(Lyles, Harry) (Entered: 03/06/2007)
03/06/2007	<u>35</u> MOTION to Strike <u>33</u> Reply Brief,, <u>29</u> Response in Opposition to Motion by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 03/06/2007)
03/22/2007	<u>36</u> ORDER Final Pretrial Conference set for 4/19/2007 10:30 AM in chambers before Hon. Chief Judge Mark E. Fuller. Proposed Pretrial Order due by 4/16/2007. Jury Trial set for 6/4/2007 before Hon. Chief Judge Mark E. Fuller. Signed by Judge Mark E. Fuller on 3/22/07. (furn: yg hc kg)(vma,) (Entered: 03/22/2007)
03/28/2007	<u>37</u> ORDER TO SHOW CAUSE as to why <u>35</u> Motion to Strike filed by Alabama Department of Transportation,, Joe McInnes,, Mark T. Waits,, Patrick T. Jackson, should not be granted. Show Cause Response due by 4/4/2007. Signed by Judge Mark E. Fuller on 3/28/07. (vma,) (Entered: 03/28/2007)
04/04/2007	<u>38</u> RESPONSE to <u>37</u> Order to show cause re <u>35</u> MOTION to Strike <u>33</u> Reply Brief,, <u>29</u> Response in Opposition to Motion <i>to Strike</i> filed by Alverene D. Butler. (Lewis, Jay) Modified on 4/5/2007 - to make text read "Response to <u>37</u> Order to show cause, etc."(vma,). (Entered: 04/04/2007)
04/05/2007	NOTICE of Docket Text Correction re <u>38</u> Response in Opposition to Motion - Modified on 4/5/2007 - to make text read "Response to <u>37</u> Order to show cause, etc." (No PDF attached to this notice)(vma,) (Entered: 04/05/2007)
04/10/2007	<u>39</u> Reply to response to order to show cause re <u>35</u> MOTION to Strike <u>33</u> Reply Brief,, <u>29</u> Response in Opposition to Motion, <u>37</u> Order to Show Cause,, <u>38</u> Response in Opposition to Motion, filed by Alabama

CONT. VOL. 1.		Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 04/10/2007)
04/12/2007	<u>40</u>	NOTICE by Alverene D. Butler of <i>Conflict</i> (Lewis, Jay) (Entered: 04/12/2007)
04/16/2007	<u>41</u>	ORDER resetting Final Pretrial Conference from 4/19/07 10:30 AM to 4/19/2007 01:30 PM in Courtroom 2A before Hon. Chief Judge Mark E. Fuller. Signed by Judge Mark E. Fuller on 4/16/07. (furn: yg hc kg)(vma,) (Entered: 04/16/2007)
04/19/2007	<u>43</u>	Minute Entry for proceedings held before Judge Mark E. Fuller : Pretrial Conference held on 4/19/2007 (PDF available for court use only). (Court Reporter Risa Entrekin.) (kcg,) (Entered: 04/23/2007)
04/20/2007	<u>42</u>	NOTICE of Appearance by George Robert Prescott, Jr on behalf of Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes (Prescott, George) (Entered: 04/20/2007)
04/25/2007	<u>44</u>	MOTION for Extension of Time to File <i>REVISED JOINTLY PREPARED PROPOSED PRE-TRIAL ORDER</i> by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 04/25/2007)
04/25/2007	<u>45</u>	VOLUME 3 TRANSCRIPT of Proceedings of Pretrial Conference (PDF available for court use only) held on 4/19/07 before Judge Mark E. Fuller. Court Reporter: Risa Entrekin. (vma,) (Entered: 04/26/2007)
04/26/2007	<u>46</u>	ORDER granting <u>44</u> Motion for Extension of Time to File Revised jointly prepared proposed pre-trial order. Signed by Judge Mark E. Fuller on 4/26/07. (vma,) (Entered: 04/26/2007)
05/01/2007	<u>47</u>	PRETRIAL ORDER Jury Selection and Jury Trial set for 6/4/2007 10:00 AM before Hon. Chief Judge Mark E. Fuller; (which is to last 3 days); the parties are to file their pre-trial briefs, if any, 5/29/07 as further set out in order. Signed by Judge Mark E. Fuller on 5/1/07. (furn: yg hc kg)(vma,) (Entered: 05/01/2007)
05/01/2007	<u>48</u>	Deposition Designations by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes.. (Lyles, Harry) Additional attachment(s) added on 5/2/2007 (vma,). (Entered: 05/01/2007)
05/02/2007	<u>49</u>	NOTICE of Correction attaching corrected PDF (w/signatures) re <u>48</u> Deposition Designations (Attachments: # <u>1</u> corrected PDF)(vma,) (Entered: 05/02/2007)
05/18/2007	<u>50</u>	Joint MOTION for Extension of Deadline filing motions in limine, jury instructions, voir dire questions by Alverene D. Butler. (Lewis, Jay) (Entered: 05/18/2007)
05/18/2007	<u>51</u>	Proposed Jury Instructions by Alverene D. Butler. (Lewis, Jay) (Entered: 05/18/2007)

CONT. VOL. 1

05/18/2007	52	Proposed Voir Dire by Alverene D. Butler. (Lewis, Jay) (Entered: 05/18/2007)
05/21/2007	53	MEMORANDUM OPINION AND ORDER, granting in part and denying in part 35 MOTION to Strike filed by Alabama Department of Transportation,, Joe McInnes,, Mark T. Waits,, Patrick T. Jackson,; It is granted as to Wynn's statements in his affidavit that "there was no way that Stacey could have known that" and that Plaintiff was qualified for the CE position; It is denied in all other respects; 2) Granting in part and denying in part 25 MOTION for Summary Judgment filed by Alabama Department of Transportation,, Joe McInnes,, Mark T. Waits,, Patrick T. Jackson; It is granted as to Plaintiff's claims against Joe McInnes; her retaliation claims brought under 1983 against Waits and Jackson in their individual capacities; her disparate treatment claims based on constructive discharge; her disparate treatment claims based on the reprimands and letters of written counsel; her Title VII retaliation claims against ALDOT alleging retaliation for her April and June 2005 EEOC charges and her complaints regarding sexual harrassment by Horace; and her Title VII retaliation claims against ALDOT alleging that she was denied a propmotion to CE in retaliation for reporting Stacey's alleged slur; Those claims are hereby dismissed with prejudice; The motion is denied in all other respects.. Signed by Judge Mark E. Fuller on 5/21/07. (Attachments: # 1 appeals checklist)(vma,) (Entered: 05/21/2007)
05/21/2007	54	ORDER that eacy party shall file, in light of the Memorandum Opinion and Order entered on this date, a proposed verdict form no later than 5/25/07. Signed by Judge Mark E. Fuller on 5/21/07. (vma,) (Entered: 05/21/2007)
05/21/2007	55	NOTICE OF AVAILABILITY OF JURY LIST AND JURORS' PROFILES for Jury Selection and Trial commencing on 6/4/2007 (Attachments: # 1 Juror Questionnaire Certification and # 2 Court Docket)(kcg,) (Entered: 05/21/2007)
05/21/2007	56	Proposed Voir Dire by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 05/21/2007)
05/21/2007	57	Proposed Jury Instructions by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 05/21/2007)
05/21/2007 BEGIN VOL. 2.	58	First MOTION in Limine by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 05/21/2007)
05/23/2007	59	ORDER TO SHOW CAUSE as to why 58 Motion in Limine filed by Alabama Department of Transportation,, Joe McInnes,, Mark T. Waits,, Patrick T. Jackson, should not be granted. Show Cause Response due by 5/29/2007. Signed by Judge Mark E. Fuller on 5/23/07. (vma,) (Entered: 05/23/2007)

END VOL. 1.

CONT. VOL. 2.
05/25/2007

05/25/2007	60	Response to Order re: 54 order - Proposed Verdict Form by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson. (Prescott, George) Modified on 5/29/2007 - to make text read - Response to Order re: 54 order - Proposed Verdict Form (vma,) (Entered: 05/25/2007)
05/25/2007	61	Response to Order re 54 Order to Submit Proposed Verdict Form by Alverene D. Butler. (Lewis, Jay) (Entered: 05/25/2007)
05/29/2007		NOTICE of Docket Text Correction re 60 Proposed Jury Instructions - Modified on 5/29/2007 - to make text read - Response to Order re: 54 order - Proposed Verdict Form, (No PDF attached)(vma,) (Entered: 05/29/2007)
05/29/2007	62	RESPONSE in Opposition re 58 First MOTION in Limine filed by Alverene D. Butler. (Lewis, Jay) (Entered: 05/29/2007)
06/01/2007	63	ORDER denying 50 Motion for Enlargement of time of time for filing deadlines . Signed by Judge Mark E. Fuller on 6/1/07. (vma,) (Entered: 06/01/2007)
06/04/2007	64	JUROR QUESTIONNAIRE CERTIFICATION by Jay Lewis and George Robert Prescott, Jr. on behalf of Alverene D. Butler, Alabama Department of Transportation, Mark T. Waits and Patrick T. Jackson. (kcg,) (Entered: 06/11/2007)
06/04/2007	65	Minute Entry for proceedings held before Judge Mark E. Fuller : Jury Selection held on 6/4/2007 (PDF available for court use only), Status Conference held on 6/4/2007 (PDF available for court use only). (Court Reporter Mitchell Reisner.) (kcg,) (Entered: 06/11/2007)
06/04/2007		ORAL ORDER CONDITIONALLY GRANTING 58 First MOTION in Limine filed by Alabama Department of Transportation,, Joe McInnes,, Mark T. Waits,, Patrick T. Jackson,.. Signed by Judge Mark E. Fuller on 6/4/07. (kcg,) (Entered: 06/11/2007)
06/06/2007	66	Minute Entry for proceedings held before Judge Mark E. Fuller : Jury Trial held on 6/6/2007 - 6/8/2007 (PDF available for court use only). (Court Reporter Mitchell Reisner.) (Attachments: (1) Witness List, (2) Dfts Exhibit List, (3) Pltf Exhibit List) <u>[exhibits maintained w/file in separate binder]</u> . (kcg,) (Entered: 06/11/2007)
06/07/2007		ORAL MOTION for Judgment as a Matter of Law pursuant to Rule 50 by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson. (kcg,) (Entered: 06/11/2007)
06/07/2007		ORAL ORDER DENYING ORAL MOTION for Judgment as a Matter of Law pursuant to Rule 50 filed by Alabama Department of Transportation, Mark T. Waits and Patrick T. Jackson. Signed by Judge Mark E. Fuller on 6/7/07. (kcg,) (Entered: 06/11/2007)

CONT. VOL 3

06/08/2007	●	ORAL MOTION for Judgment as a Matter of Law pursuant to Rule 50 by Alabama Department of Transportation, Mark T. Waits and Patrick T. Jackson. (kcg,) (Entered: 06/11/2007)
06/08/2007	●	ORAL ORDER DENYING RENEWED ORAL MOTION for Judgment as a Matter of Law pursuant to Rule 50 filed by Alabama Department of Transportation, Mark T. Waits and Patrick T. Jackson. Signed by Judge Mark E. Fuller on 6/8/07. (kcg,) (Entered: 06/11/2007)
06/08/2007	● <u>67</u>	Closing Jury Instructions. (kcg,) (Entered: 06/11/2007)
06/08/2007	● <u>68</u>	JURY VERDICT. (kcg,) (Entered: 06/11/2007)
06/15/2007	● <u>69</u>	FINAL JUDGMENT It is therefore, the Order, Judgment, and Decree of the court: 1) That judgment be and it is hereby entered in favor of the plaintiff and against the dfts; 2) That the plaintiff be awarded \$50,000.00 in compensatory damages and \$150,000.00 in punitive damages; and 3) That costs be taxed against the dfts for which execution may issue; The Clerk of the Court is directed to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the FRCP. Signed by Judge Mark E. Fuller on 6/15/07. (Attachments: # <u>1</u> appeals checklist)(vma,) (Entered: 06/15/2007)
06/29/2007	● <u>70</u>	MOTION for New Trial <i>Motion for New Trial</i> by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 06/29/2007)
06/29/2007	● <u>71</u>	MOTION for Judgment as a Matter of Law <i>Motion for Judgment as a Matter of Law</i> by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) (Entered: 06/29/2007)
06/29/2007	● <u>72</u>	STRICKEN FROM THE DOCKET - DISREGARD THIS DOCKET ENTRY - FILED IN ERROR***SEE DOC. <u>74</u> FOR CORRECTION*** BRIEF/MEMORANDUM in Support <i>Brief/Memorandum in Support of New Trial</i> filed by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) Modified on 7/2/2007 (vma,). (Entered: 06/29/2007)
06/29/2007	● <u>73</u>	STRICKEN FROM THE DOCKET - DISREGARD THIS DOCKET ENTRY - FILED IN ERROR - SEE DOC. <u>74</u> FOR CORRECTION***BRIEF/MEMORANDUM in Support <i>CORRECTED Brief in Support of Motion for New Trial and Rule 50 Motion</i> filed by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) Modified on 7/2/2007 (vma,). Modified on 7/2/2007 (vma,). (Entered: 06/29/2007)
06/29/2007	● <u>74</u>	BRIEF/MEMORANDUM in Support <i>CORRECTED Defendants' Brief in Support of Motion for New Trial and Rule 50 Motion</i> filed by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson, Joe McInnes. (Lyles, Harry) Modified on 7/2/2007 - to create relationship to doc. <u>70</u> , <u>71</u> M/Judgment & M/New Trial(vma,). (Entered: 06/29/2007)

07/02/2007	<u>75</u>	NOTICE OF ERROR re <u>73</u> BRIEF/MEMORANDUM in Support,, <u>72</u> BRIEF/MEMORANDUM in Support, (vma,) (Entered: 07/02/2007)
07/04/2007	<u>76</u>	RESPONSE in Opposition re <u>70</u> MOTION for New Trial <i>Motion for New Trial</i> , <u>71</u> MOTION for Judgment as a Matter of Law <i>Motion for Judgment as a Matter of Law</i> filed by Alverene D. Butler. (Lewis, Jay) (Entered: 07/04/2007)
07/12/2007	<u>77</u>	ORDER denying <u>71</u> Motion for Judgment as a Matter of Law, denying <u>70</u> Motion for New Trial. Signed by Judge Mark E. Fuller on 7/12/07. (vma,) (Entered: 07/12/2007)
07/17/2007	<u>78</u>	MOTION for Attorney Fees by Alverene D. Butler. (Lewis, Jay) (Entered: 07/17/2007)
07/20/2007	<u>79</u>	ORDER re <u>78</u> MOTION for Attorney Fees filed by Alverene D. Butler, Brief in Support due by 7/25/2007. Response to Motion due by 8/7/2007. Reply Brief due by 8/14/2007. Signed by Judge Mark E. Fuller on 7/20/07. (vma,) (Entered: 07/20/2007)
07/20/2007	<u>80</u>	NOTICE of Appearance by Stacey Stith Houston on behalf of Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson (Houston, Stacey) (Entered: 07/20/2007)
07/20/2007	<u>81</u>	MOTION to Stay re <u>79</u> Order, Set Deadlines, <u>78</u> MOTION for Attorney Fees, <u>69</u> Judgment,,, Terminate Deadlines,, by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson. (Houston, Stacey) (Entered: 07/20/2007)
07/20/2007	<u>82</u>	NOTICE OF APPEAL as to <u>77</u> Order on Motion for New Trial, Order on Motion for Judgment as a Matter of Law, <u>69</u> Judgment,,, Terminate Deadlines,, by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson (Houston, Stacey) (Entered: 07/20/2007)
07/20/2007		Transmission of Notice of Appeal and Certified copy of Docket Sheet and Order to US Court of Appeals re <u>82</u> Notice of Appeal (ydw,) (Entered: 07/20/2007)
07/20/2007		USCA Appeal Fees received \$ 455 receipt number 0859 re <u>82</u> Notice of Appeal filed by Alabama Department of Transportation, Mark T. Waits, Patrick T. Jackson (ydw,) (Entered: 07/20/2007)
07/25/2007	<u>86</u>	RECEIVED TRANSCRIPT REQUEST re <u>82</u> Notice of Appeal from Jim Ippolito counsel for Alabama Department of Transportation, with following notation: "I Am Ordering A Transcript Of The Following Proceeding: jury strike and status conference proceedings held on 6/4/07, 6/6-8/07 and 6/8/07 Trial proceeding before Judge Mark E. Fuller, Mitchell Reisner C/R. Copy to MR.(ydw,) Additional attachment(s) added on 8/23/2007 (ydw,). (Entered: 08/23/2007)
07/27/2007		USCA Case Number 07-13358-G for <u>82</u> Notice of Appeal filed by Alabama Department of Transportation, Mark T. Waits, Patrick T.

CONT. VOL. 2.

		Jackson. (ydw,) (Entered: 07/30/2007)
07/31/2007	<u>83</u>	ORDER TO SHOW CAUSE as to why <u>81</u> Motion to Stay filed by Alabama Department of Transportation,, Mark T. Waits,, Patrick T. Jackson, should not be granted. Show Cause Response due by 8/8/2007. Signed by Judge Mark E. Fuller on 7/31/07. (vma,) (Entered: 07/31/2007)
07/31/2007	<u>84</u>	RESPONSE to <u>83</u> Order to Show Cause/Response to Motion re <u>81</u> MOTION to Stay re <u>79</u> Order, Set Deadlines, <u>78</u> MOTION for Attorney Fees, <u>69</u> Judgment,,, Terminate Deadlines,, filed by Alverene D. Butler. (Lewis, Jay) Modified on 8/1/2007 - to add to text - RESPONSE to <u>83</u> Order to Show Cause, etc. (Entered: 07/31/2007)
08/01/2007		NOTICE of Docket Text Correction re <u>84</u> Response to Motion - Modified on 8/1/2007 - to add to text - RESPONSE to <u>83</u> Order to Show Cause, etc., (No PDF attached to this notice)(vma,) (Entered: 08/01/2007)
08/01/2007		(Court only) *** Show Cause Deadlines terminated. (No PDF attached)(vma,) (Entered: 08/01/2007)
08/17/2007	<u>85</u>	ORDER granting <u>81</u> Motion to Stay; Execution of the Final Judgment (doc. <u>69</u>) is stayed until further Order of the Court. Signed by Judge Mark E. Fuller on 8/17/07. (vma,) (Entered: 08/17/2007)
10/09/2007	<u>87</u>	VOLUME 4 TRANSCRIPT re <u>82</u> Notice of Appeal (PDF available for court use only) of Volume I of IV, 1st Day of: Jury Trial Proceedings filed for dates of 06/4/07 before Judge Mark E. Fuller, Court Reporter: Mitchell Reisner. (ydw,) (Entered: 10/09/2007)
10/09/2007	<u>88</u>	VOLUME 5 TRANSCRIPT re <u>82</u> Notice of Appeal(PDF available for court use only) of Volume II of IV 2nd Day Of: Jury Trial Proceeding filed for dates of 06/06/07 before Judge Mark E. Fuller, Court Reporter: Mitchell Reisner. (ydw,) (Entered: 10/09/2007)
10/09/2007	<u>89</u>	VOLUME 6 TRANSCRIPT re <u>82</u> Notice of Appeal (PDF available for court use only) of Volue II of IV 3RD Day Of: Jury Trial Proceedings filed for dates of 06/07/07 before Judge Mark E. Fuller, Court Reporter: Mitchell Reisner. (ydw,) (Entered: 10/09/2007)
10/09/2007	<u>90</u>	VOLUME 7 TRANSCRIPT re <u>82</u> Notice of Appeal (PDF available for court use only) of Volume IV OF IV, 4TH Day Of: Jury Trial Proceedings filed for dates of 06/08/07 before Judge Mark E. Fuller, Court Reporter: Mitchell Reisner. (ydw,) (Entered: 10/09/2007)

END VOL. 2.